



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,317	05/19/2000	Michael J. Polcyn	47524-P069D2-10015700	7216

29053 7590 05/29/2003

DALLAS OFFICE OF FULBRIGHT & JAWORSKI L.L.P.  
2200 ROSS AVENUE  
SUITE 2800  
DALLAS, TX 75201-2784

EXAMINER

BUI, BING Q

ART UNIT	PAPER NUMBER
----------	--------------

2642

DATE MAILED: 05/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/574,317**

Applicant(s)

**Polcyn**

Examiner

**Bing Bui**

Art Unit

**2642**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Feb 18, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 16 6) ☐ Other:

Art Unit: 2642

### DETAILED ACTION

1. This Office Action is in response to the Applicant's Response filed on 2/18/03 of the Application No. 09/574,317.

Claims 1-15 and 17-20 are presented for examination.

#### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-15 and 17-20 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-20 of copending Application Number 09/528,816. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

Art Unit: 2642

The subject matter claimed in the instant application is fully disclosed in the referenced copending applications and would be covered by any patent granted on that copending application since the referenced copending applications and the instant application are claiming common subject matter, as follows: a system and method comprising calendaring information with respect to a called party stored on a general purpose processor-based system wherein call routing scheme is modified for routing calls in accordance with selected portions of the calendaring information.

***Claim Rejections - 35 U.S.C. § 102***

4. Claims 1-15 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Arbel et al (US Pat No. 5,276,731).

**Regarding claim 1**, with respect to Figure 1, Arbel et al teach a system (as shown in Figure 1) for completing calls from a calling party (caller associated with telephone set "100") directed to a particular called party (user associated with "IVDT 130"), said system comprising:

calendaring information (date and time) with respect to said called party stored on a general purpose processor-based system ("DATABASE 360") (col 10, lns 11-68); and

means for providing select portions ("DATABASE 360") of said calendaring information (time of day and certain dates) to an automatic call routing

Art Unit: 2642

system("SYSTEM 140"), wherein a call routing scheme of said call routing system is modified to route calls as a function of said select portions of said calendaring information (i.e., re-routing the incoming call in accordance with calendar information entered or updated by the user associated with "IVDT 130") (col 10, Ins 11- 27 and col 12, Ins 7-19).

**Regarding claim 2,** Arbel et al further teach the calendaring information comprises a data file ("DATABASE 360") associated with a electronic calendar program operable on a personal computer ("IVDT 130" associated with the user is a combination of a telephone and a personal computer that used for entering or updating (programming) time of day, certain dates and where that the user wants his incoming calls to be re-routed) (col 7, Ins 62-64 and col 10, Ins 41-68)

**Regarding claim 3,** Arbel et al further teach the providing means ("DATABASE 360") is operable automatically (col 12, Ins 7-19).

**Regarding claim 4,** Arbel et al further teach the automatic operation of said providing means ("DATABASE 360") is initiated upon modification (updating or entering) of said calendaring information (time of day and certain dates) stored on said general purpose processor-based system ("DATABASE 360") (col 10, Ins 11-27 and col 10, Ins 41-68).

Art Unit: 2642

**Regarding claim 5,** Arbel et al further teach the automatic operation of said providing means ("DATABASE 360") is initiated at a preselected time interval (col 10, Ins 11-27 and col 12, Ins 7-19).

**Regarding claim 6,** Arbel et al further teach the providing means comprises means for gleaning said select portions of said calendaring information (time of day and certain dates) from a data file stored on said general purpose processor-based system ("DATABASE 360"); and means for manipulating (computer keyboard or telephone dialpad of the "IVDT 130" associated with the user) said gleaned information to provide said calendaring information (time of day and certain dates) in a format suitable for augmentation into call routing information of said call routing system ("SYSTEM 140") (col 10, Ins 41-68).

**Regarding claim 7,** Arbel et al further teach the providing means further comprises means for selectively disseminating (deleting or changing) at least a portion of said calendaring information (time of day and certain dates) through said call routing system ("SYSTEM 140") wherein said disseminated calendaring information (deleting or changing time of day and dates) results in a humanly (user associated with the "IVDT 130") perceptible reproduction (user of said at least a portion of said calendaring information (col 10, Ins 41-68).

Art Unit: 2642

**As to claims 8-14**, they are rejected for the same reasons set forth to rejecting claims 1-7 above, since claims 8-14 are merely a method of operation for the system defined in the system claims 1-7.

**As to claims 15 and 17-20**, they are rejected for the same reasons set forth to rejecting claims 1 and 3-6, respectively.

### ***Response to Arguments***

5. Applicant's arguments filed 3/24/03 have been fully considered but they are not persuasive.

In response to the Examiner's Office Action, Applicant mainly raises the following issues:

(1) Prior art fails to teach the "calendar information" and "means for providing select portions of said calendar information to an automatic call routing system".

As to point (1), it is wellknown that a calendar includes year, month, date and day. Any specific year, month, date or day allocated for a desired event is considered as calendar information. Table shown at line 12 of column 10 in Arbel reads on the "calendar information" based on this sense. Arbel also teaches database 360 provides the automatic call routing system 140 the information of how (when and where) to route calls (see col. 12, lns 7-19).

Art Unit: 2642

(2) Prior art fails to teach the step of "storing calendaring information including specific events scheduled with respect to a called party";

As to point (2), Arbel teaches the database 360 for storing calendaring information shown in a table at line 12 of column 10 including specific events scheduled such as when and where calls should be routed with respect to a called party (see col. 12, lns 7-19).

(3) Prior art fails to teach a "data file".

As to part (3), Arbel's reference should be read in light of the level of skill in the art that the recited table is inherently stored in the database 360 in the form of data file for fast and conveniently retrieving when needed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314 and for formal communications intended for entry (please label the response "EXPEDITED PROCEDURE") or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").



Art Unit: 2642

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

May 28, 2003



**BING BUI**  
**PATENT EXAMINER**